

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 12-17 (DSD/JSM)

United States of America,

Plaintiff,

v.

ORDER

Mario Ronrico Smith,

Defendant.

This matter is before the court upon the motion for judgment of acquittal by defendant Mario Ronrico Smith. Smith made the motion at trial after the government closed its evidence. The court reserved decision on the motion until after the jury returned its verdict. The jury found Smith guilty of (1) possession with intent to distribute cocaine, (2) using and carrying a firearm during a drug trafficking crime and (3) being a felon in possession of a firearm, and the court now addresses the motion.

Upon a defendant's motion, the court "must enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction." Fed. R. Crim. P. 29(a). When considering a motion for judgment of acquittal based on sufficiency of the evidence, the court views the evidence "in the light most favorable to the verdict, giving it the benefit of all reasonable inferences." United States v. Cacioppo, 460 F.3d 1012, 1021 (8th Cir. 2006) (citation and internal quotation marks omitted). The court will grant the motion "only if there is no interpretation of

the evidence that would allow a reasonable jury to find the defendant guilty beyond a reasonable doubt." *Id.* (citation and internal quotation marks omitted).

In the present case, the government offered evidence that was more than sufficient to sustain a conviction. Therefore, denial is warranted. Accordingly, **IT IS HEREBY ORDERED** that the motion for judgment of acquittal is denied.

Dated: November 19, 2013

s/David S. Doty
David S. Doty, Judge
United States District Court